



T. A. BLACKBURN LAW

TYRONE A. BLACKBURN

MEMBER OF
NY & NJ BAR

FEDERAL MEMBERSHIP
EDNY, SDNY, NDNY & DNJ

1242 East 80th Street, 3rd Floor
Brooklyn, New York 11236

October 28, 2021

VIA PACER

Honorable Eric N. Vitaliano
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

**Re: Jennifer Hough v. Onika Tanya Maraj AKA ("Nicki Minaj") and
Kenneth Petty AKA ("Zoo"); Case No. 1:21-cv-04568-ENV-JRC**

Dear Judge Vitaliano:

My co-counsel, Steven N. Gordon, and I, represent the Plaintiff Jennifer Hough in the above referenced action. On October 25, 2021, we submitted a joint letter with Defendant Petty via ECF for approval of a briefing schedule for our respective briefs.

On October 26, 2021, the Court issued an Order pursuant to our letter stating the following:

ORDER. The parties' joint proposed briefing schedule at [24] is adopted. Any affirmative motions described in the letter at [24] shall be served on or before 10/27/2021. Oppositions shall be served on or before 11/8/2021. Replies shall be served on or before 11/22/2021. The fully-briefed motion shall be filed on ECF in accordance with Individual Rule III.D (the "Bundling Rule") by 11/22/2021. Ordered by Judge Eric N. Vitaliano on 10/26/2021. (Federowicz, Stephen).

We interpreted the Court's Order to mean that we must file the motions in accordance with Individual Rule III.D. The first sentence of this Rule states that "[e]xcept as described below, no motion paper shall be filed until the motion has been fully briefed (the "Bundling Rule")."



T. A. BLACKBURN LAW

Thereafter, the Rule lists motions for which the “Bundling Rule” does not apply – with the first one being “Motions for Default Judgment.”

As such, we believed that the Court’s Order to file the fully briefed motion on ECF by November 22, 2021, simply applied to Defendant Petty’s Motion to Vacate the Certificate of Default Judgment. Accordingly, but not without technical difficulties, we submitted our motion via ECF. [See Dkt. Nos. 25 &26].

If our understanding was incorrect, we consent to withdrawing our motion from ECF and filing it together with the Opposition and Reply on November 22, 2021. We genuinely apologize for any misunderstanding or inconvenience. We hope that the Court can please be assured that we did **not** intend to contravene the Court’s directions. In the future, if we are unclear on an Order of the Court, we will seek clarification.

Please be aware that we are respectfully submitting this letter upon review by counsel for Defendant Petty. Thank you in advance for your guidance and assistance.

Respectfully Submitted,

Tyrone A. Blackburn, Esq.
Tyrone A. Blackburn, Esq.

CC: All counsels of record via ECF.

